

**United States District Court
for
Southern District of Ohio
Amended Report on Offender Under Supervision**

Name of Offender: **Damien Cherry**Case Number: **CR-1-02-38**Name of Sentencing Judicial Officer: **The Honorable Susan J. Dlott
United States District Judge**Date of Original Sentence: **November 21, 2002**Original Offense: **Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922 (g)**Original Sentence: **46 months in prison, 36 months of supervised release, a \$500 fine, and a \$100 special assessment**Type of Supervision: **Supervised release**Date Supervision Commenced: **March 23, 2007**

PETITIONING THE COURT

- To issue a warrant (The Court already issued a warrant on March 14, 2008.)
- To issue an Order to Appear and Show Cause
- To grant an exception to revocation without a hearing.

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
#1	<p>Standard Condition: You shall not commit another Federal, state, or local crime and shall not illegally possess a controlled substance.</p> <p>On February 27, 2008, Cherry was convicted of Felonious Assault (two counts), Having Weapons While Under Disability, and Receiving Stolen Property in Hamilton County Court of Common Pleas in case number B0705110-A). Cherry was sentenced to an aggregate term of imprisonment for 15 years for these offenses.</p>
#2	<p>Standard Condition: You shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.</p> <p>Cherry submitted a urine sample on April 26, 2007 that test positive for marijuana.</p>

U.S. Probation Officer Recommendation: On June 25, 2007, this officer advised the Court that Cherry was arrested by the Cincinnati Police Division for the aforementioned offenses. He has been in custody since June 25, 2007. On February 27, 2008, Cherry was sentenced to a term of imprisonment for 15 years for these offenses. Since Cherry committed an offense of violence punishable by a term of imprisonment exceeding one year, revocation is mandatory pursuant to the Sentencing Guidelines. Thus, it is respectfully recommended that a warrant be issued for Cherry's arrest so that he can appear for a violation hearing.

RE: CHERRY, Damien

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The term of supervision should be

- Revoked.
- Extended for years, for a total term of years.
- Continued based upon the exception to revocation under 18 USC 3563(e) or 3583(d)
- The conditions of supervision should be modified as follows:

I declare under penalty of perjury that
the foregoing is true and correct.

Executed on March 24, 2008

Mark R. Grawe

U.S. Probation Officer

by

John C. Cole

Supervising U.S. Probation Officer

Date: March 24, 2008

THE COURT ORDERS:

- No Action
- The Court finds that there is probable cause to believe the defendant has violated the conditions of his supervised release.
- The Issuance of an Order to Appear and Show Cause
- The Court finds the defendant can benefit from continued substance abuse treatment and grants an exception to revocation. The supervision term of the defendant is continued under all original terms and conditions.
- Other

*Warrant was issued 3/14/08
and defendant is now in
custody.*

Signature of Judicial Officer

3/28/08

Date